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8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**  
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11 CHRIS MELINGONIS, Individually and on  
12 Behalf of All Others Similarly Situated,

13 Plaintiff,

14 vs.

15 NETWORK COMMUNICATIONS  
16 INTERNATIONAL CORP., d.b.a.  
17 1-800-Call-4-Less,

18 Defendant.  
19

CASE NO. 10 CV 1364 MMA (NLS)

**ORDER GRANTING PARTIES'  
JOINT MOTION TO DISMISS  
ACTION**

[Doc. No. 27]

20 On June 29, 2010, Plaintiff Chris Melingonis commenced this purported action against  
21 Defendant Network Communications International Corp. (d/b/a 1-800-Call-4-Less). Plaintiff filed  
22 a First Amended Complaint ("FAC") on September 13, 2010. [Doc. No. 7.] Defendant filed a  
23 motion to dismiss Plaintiff's FAC pursuant to Federal Rule of Civil Procedure 12(b)(6) on  
24 September 30, 2010. [Doc. No. 11.] On November 30, 2010, the Court denied Defendant's  
25 motion to dismiss. [Doc. Nos. 16, 18.] This matter has not yet been certified as a class action.

26 On September 15, 2011, named Plaintiff Chris Melingonis and Defendant filed a Joint  
27 Motion pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), requesting the Court dismiss  
28 the above-captioned action. [Doc. No. 27.] The parties request that the Court dismiss the matter,

1 *with* prejudice as to Mr. Melingonis, and *without* prejudice as to the alleged putative class.

2 Further, Mr. Melingonis has “agreed to release any and all interest he may have had in class  
3 representation through this action and disclaims any future personal stake in the class action. . . .”

4       Upon due consideration, and good cause appearing, the Court **GRANTS** the parties’ Joint  
5 Motion. Accordingly, this action is **DISMISSED WITH PREJUDICE** as to the named Plaintiff  
6 Chris Melingonis, and **DISMISSED WITHOUT PREJUDICE** as to the alleged putative class.

7 The Clerk of Court is hereby instructed to close the case file.

8       **IT IS SO ORDERED.**

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10 DATED: September 19, 2011

A handwritten signature in cursive script, reading "Michael M. Anello", written in black ink.

11  
12 Hon. Michael M. Anello  
13 United States District Judge  
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